

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Bill No. 760, Page 5, Section 60.540, Line 4, by deleting the word “surveyor” and inserting in lieu thereof the word “survey”; and

Further amend said bill, Pages 26-27, Section 571.020, by deleting all of said section from the bill; and

Further amend said bill, Page 29, Section 571.030, Line 73, by inserting immediately following the words “eighteen years of age” the words “or older”; and

Further amend said bill, Page 32, Section 571.101, Line 19, by inserting immediately following the words “eighteen years of age” the words “or older”; and

Further amend said bill and section, Page 33, Line 62, by inserting immediately following the words “years of age” the words “or older”; and

Further amend said bill, Page 39, Section 571.117, Line 32, by inserting immediately following the words “eighteen years of age” the words “or older”; and

Further amend said bill, Page 44, Section 640.100, Line 106, by inserting after all of said section and line the following:

“643.225. 1. The provisions of sections 643.225 to 643.250 shall apply to all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR 10-6.080. The commission shall promulgate rules and regulations it deems necessary to implement and administer the provisions of sections 643.225 to 643.250, including requirements, procedures and standards relating to asbestos projects, as well as the authority to require corrective measures to be taken in asbestos abatement, renovation, or demolition projects as are deemed necessary to protect public health and the environment. The director shall establish any examinations for certification required by this section and shall hold such examinations at times and places as determined by the director.

2. Except as otherwise provided in sections 643.225 to 643.250, no individual shall engage in an asbestos abatement project, inspection, management plan, abatement project design or asbestos air sampling unless the person has been issued a certificate by the director, or by the commission after appeal,

1 for that purpose.

2 3. In any application made to the director to obtain such certification as an inspector,  
3 management planner, abatement project designer, supervisor, contractor or worker from the department,  
4 the applicant shall include his diploma providing proof of successful completion of either a state  
5 accredited or United States Environmental Protection Agency (EPA) accredited training course as  
6 described in section 643.228. In addition, an applicant for certification as a management planner shall  
7 first be certified as an inspector. All applicants for certification as an inspector, management planner,  
8 abatement project designer, supervisor, contractor or worker shall successfully pass a state examination on  
9 Missouri state asbestos statutes and rules relating to asbestos. Certification issued hereunder shall expire  
10 one year from its effective date. Individuals applying for state certification as an asbestos air sampling  
11 professional shall have the following credentials:

12 (1) A bachelor of science degree in industrial hygiene plus one year of experience in the field; or

13 (2) A master of science degree in industrial hygiene; or

14 (3) Certification as an industrial hygienist as designated by the American Board of Industrial  
15 Hygiene; or

16 (4) Three years of practical experience in the field of industrial hygiene, including significant  
17 asbestos air monitoring experience and the completion of a forty-hour asbestos course which includes air  
18 monitoring instruction (National Institute of Occupational Safety and Health 582 course on air sampling  
19 or equivalent). In addition to these qualifications, the individual must also pass the state of Missouri  
20 asbestos examination. All asbestos air sampling technicians shall be trained and overseen by an asbestos  
21 air sampling professional and shall meet the requirements of training found in OSHA's 29 CFR  
22 1926.1101. Certification under this section as an abatement project designer does not qualify an  
23 individual as an architect, engineer or land surveyor, as defined in chapter 327.

24 4. An application fee of seventy-five dollars shall be assessed for each category, except asbestos  
25 abatement worker, to cover administrative costs incurred. An application fee of twenty-five dollars shall  
26 be assessed for each asbestos abatement worker to cover administrative costs incurred. A fee of  
27 twenty-five dollars shall be assessed per state examination.

28 5. In order to qualify for renewal of a certificate, an individual shall have successfully completed  
29 an annual refresher course from a state of Missouri accredited training program. For each discipline, the  
30 refresher course shall review and discuss current federal and state statute and rule developments,  
31 state-of-the-art procedures and key aspects of the initial training course, as determined by the state of  
32 Missouri. For all categories except inspectors, individuals shall complete a one-day annual refresher  
33 training course for recertification. Refresher courses for inspectors shall be at least a half-day in length.  
34 Management planners shall attend the inspector refresher course, plus an additional half-day on  
35 management planning. All refresher courses shall require an individual to successfully pass an  
36 examination upon completion of the course. In the case of significant changes in Missouri state asbestos  
37 statutes or rules, an individual shall also be required to take and successfully pass an updated Missouri  
38 state asbestos examination. An individual who has failed the Missouri state asbestos examination may  
39 retake it on the next scheduled examination date. If an individual has not successfully completed the  
40 annual refresher course within twelve months of the expiration of his or her certification, the individual

1 shall be required to retake the course in his or her specialty area as described in this section. Failure to  
2 comply with the requirements for renewal of certification in this section will result in decertification. In  
3 no event shall certification or recertification constitute permission to violate sections 643.225 to 643.250  
4 or any standard or rule promulgated under sections 643.225 to 643.250.

5 6. A fee of five dollars shall be paid to the state for renewal of certificates to cover administrative  
6 costs.

7 7. The provisions of subsections 2 to 6 of this section, section 643.228, subdivision (4) of  
8 subsection 1 of section 643.230, sections 643.232 and 643.235, subdivisions (1) to (3) of subsection 1 of  
9 section 643.237, and subsection 2 of section 643.237 shall not apply to a person that is subject to  
10 requirements and applicable standards of the United States Environmental Protection Agency (EPA) and  
11 the United States Occupational Safety and Health Administration's (OSHA) 29 Code of Federal  
12 Regulations 1926.58 and which engages in asbestos abatement projects as part of normal operations in the  
13 facility solely at its own place or places of business. A person shall receive an exemption upon submitting  
14 to the director, on a form provided by the department, documentation of the training provided to its  
15 employees to meet the requirements of applicable OSHA and EPA rules and regulations and the type of  
16 asbestos abatement projects which constitute normal operations performed by the applicant. If the  
17 application does not meet the requirements of this subsection and the rules and regulations promulgated  
18 by the department, the applicant shall be notified, within one hundred eighty days of the receipt of the  
19 application, that the exemption has been denied. An applicant may appeal the denial of an exemption to  
20 the commission within thirty days of the notice of denial. This exemption shall not apply to asbestos  
21 abatement contractors, to those persons who the commission by rule determines provide a service to the  
22 public in its place or places of business as the economic foundation of the facility, or to those persons  
23 subject to the requirements of the federal Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-  
24 519). A representative of the department shall be permitted to attend, monitor, and evaluate any training  
25 program provided by the exempted person. Such evaluations may be conducted without prior notice.  
26 Refusal to allow such an evaluation is sufficient grounds for loss of exemption status.

27 8. A fee of two hundred fifty dollars shall be submitted with the application for exemption under  
28 subsection 7 of this section. This shall be a one-time fee. An exempted person shall submit to the director  
29 changes in curricula or other significant revisions to its training program under this section as they occur.

30 9. All applications for exemption under this section that are received and approved by the  
31 department prior to August 28, 2012, shall be considered valid. An exempted person under this  
32 subsection shall not be subject to the fee under subsection 8 of this section but shall submit to the director  
33 changes in curricula or other significant revisions to its training program as they occur.”; and

34  
35 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.